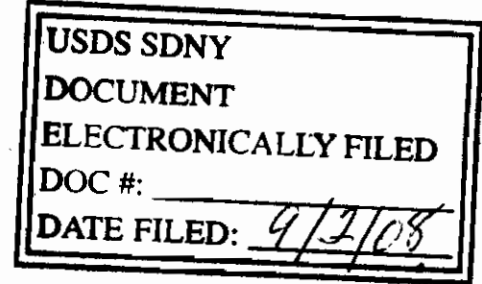


**MEMO ENDORSED**

Mr. Michael Shaw 054017  
Auburn Correctional Facility  
135 State Street Box 618  
Auburn, New York 13021

United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 230  
New York, New York 10007

DATE: August 15, 2008RE: Michael David Shaw v. N.Y.C. Department of Corrections, etalNo. 08 Civ. ~~3779~~ 3997Judge Assigned: Sidney H. Stein

Judge Stein:

I am writing this correspondence to you because I've run into a bit of a problem in regards to serving the defendant's the summonses and the copy of the complaint. As you are aware I was on Rikers Island when I received the packet with all of the information to serve the defendant's in the above-entitled lawsuit.

I put the copies in a friends hands and requested from him to pay a professional process server to serve the defendant's, but he did not do what I requested of him. It took me some time to actually track this so called friend down and when I did he told me that his lawyer told him that he could send serve the defendant's by Certified Mail return reciept, and that is what he did without my knowledge.

I know from reading the booklet that was sent to me with the copies of the lawsuit and summonses that cirtified mail return receipt could only be used as a last resort and I would have to get permission from the court to do so. Judge Stein it was my error putting these papers in the hands of an irresponsible person and that I will have to deal with if you choose to dismiss this lawsuit, but I request to you that you take in to consid-

eration that I had no way of serving the defendant's from my standpoint  
Case 1:08-cv-03997-SHS-JCF Document 6 Filed 09/02/2008 Page 2 of 2  
and reached out to someone whom I thought that was responsible enough to  
carry out a simple task of hiring a professional process server to send  
the paperwork to the defendant's.

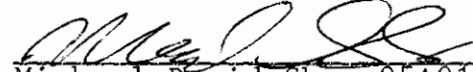
I am at the mercy of this Court and pray that I will be able to proceed with this action. I also want to note that the person who sent the copies of the summonses and complaints sent the mail out with my name and address on the front of the green card so that the information came back to me. I will send you a copy of all of the paperwork in regards to the defendants being served when I receive the last two comformations that they too were served.

Thanking you in advance for any consideration in this matter!

8/29/08

Plaintiff's time to serve  
the remaining defendants  
is extended to October 31, 2008 pursuant  
to Fed. R. Civ. P. 4(c).

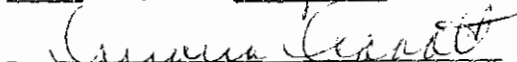
Very respectfully yours,

  
Michael David Shaw 05A0177  
Plaintiff Pro. Se.

SO ORDERED,  
James C. Francis IV  
USMJ

Sworn to before me on the

15<sup>th</sup> day of August, 2008

  
NOTARY PUBLIC

cc: File

ANDREA ABBOTT  
Notary Public, State of New York  
Qualified in Onondaga County  
No. 01A25074413  
Commission Expires March 17, 2011